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In re Application of
Zhang
Application No.: 10/594,646
PCT No.: PCT/CN2005/000382
Int. Filing Date: 25 March 2005
Priority Date: 29 March 2004
Attorney Docket No.: CU-5139 RJS
For: Method For Activating Multimedia
Broadcast/Multicast Service

DECISION

This is in response to the correspondence filed on 08 August 2008.

BACKGROUND

This international application was filed on 25 March 2005, claimed an earlier priority date of 29 March 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 September 2006. Applicant filed *inter alia* the basic national fee on 27 September 2006.

On 29 January 2007, applicant filed an executed declaration and the surcharge under 37 CFR 1.492(h).

On 19 June 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating *inter alia* a date under 35 U.S.C. 371(c)(1), (2) and (4) of "09/27/2006." A filing receipt showing a "Filing or 371(c) Date" of "09/27/2006" was also mailed.

DISCUSSION

Counsel states that "There is an error in that the filing date of the present application is incorrect as shown on page 1 of the attached copy of the filing receipt. The correct filing date should be January 29, 2007. Also attached is a copy of the post card sent with the Declaration, and a print out of the Image File Wrapper showing that the USPTO received these documents on January 29, 2007."

Review of the application file reveals that 35 U.S.C. 371(c)(1) was satisfied by the payment of the U.S. basic national fee on 27 September 2006, while 35 U.S.C. 371(c)(2) was satisfied as of the filing of a translation of the international application on 27 September 2006. The requirements of 35 U.S.C. 371(c)(4) were satisfied by the filing of a declaration compliant with 37 CFR 1.497(a) and (b) on 29 January 2007. Therefore, the date of completion of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) was 29 January 2007, not 27 September 2006 as shown on the Notice of Acceptance mailed on 19 June 2008. Therefore, the Notice of Acceptance mailed on 19 June 2008 is hereby VACATED.

DECISION

Applicant's request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) showing a date under 35 U.S.C. 371(c)(1), (2) and (4) of **29 January 2007**, as well as a corrected filing receipt showing a "filing date" of **29 January 2007**.

/George Dombroske/
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